



Global Monitoring

status of action against commercial
sexual exploitation of children

NIGERIA



2nd EDITION

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GLOSSARY OF TERMS AND ACRONYMS

- **ACRWC:** African Charter on the Rights and Welfare of the Child
- **AIDS:** Acquired Immune Deficiency Syndrome
- **ANPPCAN:** African Network for the Prevention and Protection against Child Abuse and Neglect
- **CAM:** Child Abuse Materials
- **CHI:** Child Helpline International
- **COP:** Child Online Protection
- **CRA:** Child Rights Act
- **CRARN:** Child Rights and Rehabilitation Network
- **CRC:** Convention on the Rights of the Child
- **CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
- **CSO:** Civil Society Organisation
- **ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- **ECOWAS:** Economic Community of West African States
- **ENCATIP:** Edo State NGO Coalition against Trafficking in Persons
- **EU:** European Union
- **FEC:** Federal Executive Council
- **HIV:** Human Immunodeficiency Virus
- **ICDB:** International Children's Day of Broadcasting
- **ICT:** Information and Communications Technology
- **ILO:** International Labour Organization
- **ILO/IPEC:** International Labour Organization/International Programme on the Elimination of Child Labour
- **ITU:** International Telecommunication Union
- **ISSPIN:** Internet Safety, Security and Privacy Initiative
- **MOLP:** Ministry of Labour and Productivity
- **MWASD:** Ministry of Women Affairs and Social Development

- **NACTAL:** National Coalition against Child Trafficking Abuse and Labour
- **NAPTIP:** National Agency for the Prohibition of Trafficking in Persons
- **NBA:** Nigerian Bar Association
- **NCC:** Nigerian Communications Commission
- **NCOP:** Nigeria Child Online Protection
- **NGO:** Non-Governmental Organisation
- **NHRC:** Nigerian Human Rights Commission
- **NITDA:** National Information Technology Development Agency
- **NMC:** National Monitoring Centre
- **NPA:** National Plan of Action
- **NPC:** National Population Commission
- **NPF:** National Police Force
- **NPPAVHT:** National Policy on the Protection and Assistance to Victims of Human Trafficking
- **NYSC:** National Youth Service Corps
- **ONSA:** Office of the National Security Advisor
- **OPSC:** Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
- **OVC:** Orphans and Vulnerable Children
- **SIF:** Strategic Implementation Framework
- **TWG:** Technical Working Group
- **TIP:** Trafficking in Persons
- **UN:** United Nations
- **UNICEF:** United Nations Children's Fund
- **UNODC:** United Nations Office on Drugs and Crime
- **USDOL:** United States Department of Labor
- **WOCON:** Women's Consortium of Nigeria
- **WOTCLEF:** Women Trafficking and Child Labour Eradication Foundation

FOREWORD

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven years later, the World Congress III in Rio de

Janeiro provided the largest global platform to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report, as part of the Second Edition series of country monitoring reports produced by ECPAT International, provides a comprehensive baseline of information on all manifestations of CSEC in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate CSEC. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences among various stakeholders and duty-bearers within the country as well as internationally. It also suggests concrete priority actions urgently needed to proactively advance the national fight against

CSEC. Furthermore, this report enables the monitoring of the implementation of international instruments on child rights, related to commercial sexual exploitation that have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups in the countries assessed, local and global experts and other organisations

for their invaluable inputs to this report. ECPAT International would also like to express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of commercial sexual exploitation of children.

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and

case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.

NIGERIA



INTRODUCTION

Nigeria is Africa's most populous country, with a population of over 174 million.¹ Over 76 million, or 44% of the total population, are children under 15,² highlighting the importance of delivering child-specific services in the country. After gaining independence from Britain in 1960, Nigeria transitioned from military to civilian rule following the introduction of a new constitution in 1999 and is currently experiencing its longest period of civilian rule since independence. Despite improvements in its economy due to high oil revenues, 70% of the population still lives below the poverty line.³ Nigeria has also experienced internal conflicts, partly owing to its ethnic and religious diversity. The country is home to over 250 ethnic groups; half of the population is Muslim, while 40% is Christian and the remaining 10% belongs to indigenous faiths.⁴ This diversity has also contributed to a lack of cohesion in the country's legal system.

Nigeria is divided into 36 states and one federal capital territory, Abuja. Twelve of these states in the north follow Islamic (Sharia) Law under the *Penal Code*. The southern states abide by the Criminal Code, which follows the English common law system. Traditional law also plays an important role in the legal system throughout the country. Nigeria's Constitution permits states to establish courts based on common-law or customary-law systems as well as to use the Sharia *Penal Code* in courts.⁵ This multitude of legal systems presents significant

complications in guaranteeing universal rights to Nigeria's citizens, including its children, due to differing definitions and offences between states. For example, Nigeria has yet to implement a universal definition of the child, with children being defined as under 16 in some states and under 18, in accordance with the *Convention on the Rights of the Child (CRC)* and the *African Charter on the Rights and Welfare of the Child (ACRWC)*, in others. Furthermore, the state system has presented challenges in enforcing Nigeria's *Child Rights Act (CRA)*, since only 26 of the 36 states have officially accepted it as law.⁶ Apart from Enugu State in the south, all the other states that have failed to adopt the CRA are in the northern parts of the country: Sokoto, Kebbi, Zamfara, Katsina, Kano, Kaduna, Bauchi, Gombe, Yobe, Borno, and Adamawa.⁷

Nigeria has demonstrated a commitment to protecting its children from sexual exploitation, particularly from trafficking for sexual purposes. The CRA, introduced in 2003 (operative in the Federal Capital Territory as well as 26 of the country's 36 states),⁸ signified an important step towards treating children's rights as a priority. The creation of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and the corresponding *Trafficking in Persons Law Enforcement and Administration (TIP) Act* in 2003 was another positive development in promoting the protection of children from sexual

exploitation. However, the effectiveness of these Acts is difficult to assess due to a lack of data. NAPTIP acquires annual data on its progress rescuing victims and convicting traffickers but does not release adequate data concerning child trafficking for sexual purposes.

Reliable data on the prevalence of the sexual exploitation of children in tourism and child pornography/child sexual abuse materials in the country is practically non-existent. The country also lacks programmes and initiatives targeted at eliminating these problems. Addressing Nigeria's pressing poverty problem is a central concern in reducing the commercial sexual exploitation of children (CSEC) in the country. Other concerns include reducing the social stigma surrounding child sexual abuse and the prevalence of orphaned and vulnerable

children (OVC).

Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, Nigeria reaffirmed its commitment at the 2008 World Congress III against the Sexual Exploitation of Children and Adolescents in Brazil. The World Congress III renewed global commitment and galvanized international resolve to combat sexual exploitation of children and adolescents. In total, more than 3000 people took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.

Nigeria is a source, transit, and destination country for women and children subjected to forced labour and sex trafficking.⁹

Trafficking in children for sexual purposes

Nigeria's "Baby Farms"

A particular form of child sexual exploitation occurs in "baby farms" in Nigeria, where young girls are locked up and used to produce babies. These babies are then sold for witchcraft rituals or for adoption. UNICEF estimates that at least 10 children are sold daily across Nigeria.¹⁰ In a raid in 2011, 32 girls, aged 15-17, were rescued from a trafficking ring in a hospital. The hospital owner had given the girls 170 USD after selling the babies for 6000 USD or more.¹¹ The most recent reported raid occurred in May 2013, where 17 pregnant girls between the ages of 14 and 17, in addition to 11 small children, were rescued from a house. The house had been paraded as an orphanage and shelter for expecting mothers. The girls reported they had all been impregnated by the same two men.¹² "Baby farms" represent a unique problem in Nigeria that reflect the level of poverty and desperation in the country.

Stigmatisation of children as witches is another factor that contributes to child trafficking and prostitution in Nigeria. Belief in witchcraft has been widespread in Nigeria for a long time, but the phenomenon of accusing children of witchcraft, resulting in their abuse, neglect and even murder, is fairly recent. These children are vulnerable

to all forms of CSEC as they are shunned by their communities and often left to fend for themselves on the streets.¹³ Local NGO Stepping Stones Nigeria¹⁴ attests that there is a growing link between child witchcraft stigmatisation and child trafficking. For example, Akwa Ibom State, which has the highest known number of children accused of

witchcraft, also has the highest known level of child trafficking in Nigeria.¹⁵ ECPAT UK affirms that traffickers may convince parents that their child is a witch as a method to recruit children. If the child is persuaded to believe he or she is a witch, then he or she

may believe that the exploitation is justified and not seek help.¹⁶ Akwa Ibom State outlawed accusing children of witchcraft in 2008, but CSOs in the area argue that more needs to be done, citing the lack of arrests and convictions of accusers.¹⁷

The US Department of State annually releases a *Trafficking in Persons Report*, which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2**, and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.¹⁸

In the 2013 report, Nigeria was placed in **Tier 2**. In 2012, it was placed in **Tier 2** as well, having been demoted from its previous **Tier 1** position in 2011.¹⁹

The government has demonstrated a concerted commitment to ending the trafficking of children for sexual purposes, diverting most of its CSEC resources to this area. However, a multitude of serious challenges affect the effectiveness of these laws and programmes. NAPTIP was established, along with the *TIP Act*, to protect victims of trafficking, both focusing on prosecuting traffickers and rehabilitating trafficking victims. The *TIP Act* outlines prosecution of offenders, and NAPTIP’s main National Action Plan deals with the rehabilitation and repatriation of victims.²⁰

The government has also collaborated on awareness campaigns to help prevent trafficking, with the aid of NGOs such as the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), Women’s Consortium of Nigeria (WOCON), Girls’ Power Initiative (GPI), and international organisations like the International Labour Organization (ILO). NGOs have also formed networks to collaborate on anti-trafficking initiatives such as the creation of the Network of Civil Society Organisations against Child Trafficking, Abuse and Labour (NACTAL).²¹ The effectiveness of these campaigns has been

hard to assess due to a lack of data.

Given the country’s high levels of poverty and low rate of birth registration, these prevention efforts have yet to have a major impact. Until Nigeria’s poverty situation is improved, the degree of trafficking in the area is unlikely to diminish. Families often resort to selling their own children to sex traffickers in order to provide for their households, feeling they have no other options.²² According to the ILO, “the issue of human trafficking in Nigeria is fuelled by unemployment and poverty.”²³ Also, deterring potential offenders has not been successful, likely as a result of weak enforcement of trafficking laws. Conviction rates of accused traffickers remain low.²⁴ Nigeria is one of the main source countries for girls and women trafficked abroad for sexual purposes, particularly in Europe. For example, around 60% of the prostitutes in Italy and Belgium are from Nigeria.²⁵ According to the findings of UNODC Nigeria, “[d]ue in part as well to the large size of Nigeria’s population, the country has been named by the UNODC as one of the top eight countries of origin for human trafficking, alongside Thailand, China, Albania, Bulgaria, Belarus, Moldova and Ukraine.”²⁶

The Nigerian-Italian Connection

Many children, mostly girls from Edo State, are trafficked from Nigeria to Europe for sexual purposes. Italy is the most “popular” destination, with over 10,000 Nigerians engaged in prostitution there. This number accounts for a shocking 60% of all prostitutes in Italy.²⁷ Italy is a prime destination due to the high demand for prostitutes from the local population. The trafficking business has become so profitable in Italy that a Nigerian mafia has formed, which coordinates the trafficking of girls through “madams,” who lure the girls from Nigeria with promises of a better future. The Government of Italy has been collaborating with the Nigerian government to mitigate the flow of trafficked women and girls between their countries; however, it remains to be seen whether this initiative will be successful.²⁸

Furthermore, although the *TIP Act* refers explicitly to the sexual trafficking of “any person under the age of eighteen years,” most awareness campaigns and data collected do not focus specifically on child sex trafficking.

Instead, the focus is either on trafficking for purposes of child labour in general, or trafficking of both children and adults for sexual purposes.

Sexual exploitation of children in tourism

The sexual exploitation of children in tourism has been given little attention by the relevant authorities in Nigeria. Neither the *Criminal Code* nor the *Penal Code* contains extraterritorial legislation that would punish Nigerian child sex tourists abroad. The *Extradition Act* outlines Nigeria’s extradition laws for fugitives but does not explicitly refer to offences involving the sexual exploitation of children. The *TIP Act* refers to the sexual exploitation of children in tourism by delegating certain responsibilities to the tourism industry but does not outline explicit offences related to the issue. The *Child Rights Act* also does not refer to this form of sexual

exploitation.

The lack of legislation on this issue does not reflect the reality that Nigeria is mainly a source country for child sex tourism offenders, who travel mostly throughout the African continent to pay for sex with children. One particular case involved six Nigerian men arrested by Filipino authorities in 2012 for sexual exploitation of children in tourism in the Philippines. It is important to note that even though Nigeria does not have adequate legislation regarding this issue, Nigerian authorities apprehended the offenders and tried them at home.²⁹

Child prostitution

Laws pertaining to the prostitution of children have similar issues to those involving child sex trafficking. First, the *Criminal Code* and *Penal Code* define child prostitutes as girls under 16 years of age. Meanwhile, the *TIP Act* and CRA abide by CRC and ACRWC guidelines and include children and young persons under 18. This lack of cohesion between legislation allows for confusion

and potential loopholes for offenders. Additionally, boys are not protected by the *Criminal Code*. The *Penal Code* mentions boys as potential child prostitution victims but defines these victims as under 14 years old, resulting in an unequal distinction between genders and an even larger departure from CRC requirements.³⁰ Furthermore, neither the *Criminal Code* nor the *Penal Code*

indicates that children will not be tried as offenders for prostitution.

Very little data exists to determine whether the implementation of these laws has been successful. However, given the high visibility of child prostitution on Nigeria's city streets,³¹ it likely remains a significant problem within the country. As with other forms of CSEC, poverty is a major factor. HIV/AIDS also contributes to the problem, leaving many

children without parents and forcing them to live on the streets and find any way to survive. The government has demonstrated a commitment to ending human trafficking, which includes the trafficking of children for the purpose of prostitution. However, no government campaign has focused specifically on remedying the problem of child prostitution, despite its high prevalence in the country.

Child pornography/child sexual abuse materials

Data on the prevalence of child pornography in Nigeria is virtually non-existent. Given the high rate of child trafficking for sexual purposes and child prostitution and the increased use of information and communications technology (ICT), particularly by Nigerian youth, it is likely that child sexual abuse materials are being produced and collected in the region. The CRA is the only Nigerian legislation which prohibits child pornography specifically. The *Criminal Code* is vague, only referring to "obscene publications" and offering lenient punishments, and the *TIP Act* refers to trafficking for purposes of pornography but not child pornography in particular. This discrepancy is troubling given the fact that not all states have signed on to the CRA, meaning that this legislation is not fully binding or adequately implemented.

The government has demonstrated an interest in protecting children online from abusive materials with the Child Online Protection (COP) initiative, led by the Technical Working Group (TWG). One of COP's goals is to protect children from sexual abuse through the Internet.³² Since the initiative is quite new, no data exists to determine whether its strategies have been implemented.

The first lady of Nigeria, Dame Patience Jonathan, has been formally appointed as the

Champion for Child Online Protection by the International Telecommunication Union (ITU)-COP initiative. Also, a Memorandum of Understanding has been signed between the Nigerian Communications Commission and ITU to set up a regional Cybersecurity Centre in Nigeria. Along with combating cyber threats, the emphasis of this programme will be to develop and promote initiatives to protect children online.³³

As part of the National Child Online Protection programme, the following action plan has been proposed:

- Establish, in coordination with Interpol, training courses for national law enforcement
- Share international (and regional) case studies with national law enforcement agencies to demonstrate the procedures and practices across stakeholders and promote interagency cooperation so that practical issues can be discussed.
- Encourage the National COP to develop training courses, materials and programmes for schools, children, youth, parents and agencies.
- Build local capacity to educate the public, educators, teachers, parents and children.
- Review and update educational and awareness resources periodically to ensure emerging and latest trends are addressed.
- National COP to develop educational and

- promotional materials for children.
- National COP to develop Prevention Education Kits for children and parents.
- Establish a centralised information hub for educational resources for all sectors to enable consolidation of material and the ability to update it regularly.
- Enable educational materials to be translated into common local languages for wider information dissemination.
- Establish training courses and awareness campaigns for judiciary and sentencing professionals, medical personnel and professionals working with children.
- Build capacity for collaboration between police and social services for the purpose of investigation and assistance with recovery programmes.

ECPAT International “Make IT Safe” Campaign

WOCON, in partnership with ECPAT International, conducted a three-day train the trainers workshop. The workshop was on the “Make IT Safe” campaign for secondary school children and young persons in tertiary institutions in Lagos in March 2011. The training was designed to combat the problem of IT-related CSEC in Nigeria, in addition to training on the set-up of a plan of action for the campaign as well as a task force to ensure the implementation of the plan of action.³⁴

Other factors contributing to CSEC

Birth registrations

Article 7 of the *Convention on the Rights of the Child* specifies that every child has the right to be registered at birth to better protect the child’s civil, political, social and economic rights.³⁵ Consequently, birth registration is essential to protecting CSEC victims. For example, registered children will be able to prove their age in front of a court and are more likely to be “traced” if they are unaccompanied or separated. Furthermore, effective birth registration is crucial in aiding government to better plan child development programmes and mitigate the prevalence of CSEC in the country.³⁶

Nigeria has a very low rate of birth registration. In 2007, about 70% of the 5 million children born annually were not registered at birth.³⁷ As a result, these children do not have a legal identity and are likely to be denied basic rights and services. Although the number of registered births has increased in recent years, according to UNICEF’s most recent Multiple Indicator

Cluster Survey, only 41.5% of births are registered in Nigeria.³⁸ The government has made an effort to increase birth registration rates, particularly through the National Population Commission (NPC). For example, in an effort to encourage more registrations, the NPC waived the birth registration fee between 2005-2008. The Committee on the Rights of the Child has, however, advised that the NPC do away with the fee entirely.³⁹

In 2013, WOCON, under its ILO/IPEC project for the elimination of child labour in Ogun State, assisted the NPC in the campaign for birth registration, which resulted in the registration of 158 births in three local governments of the state.⁴⁰ Despite government action and awareness campaigns, birth registration still remains a serious problem in the country.

Child marriage

Nigeria, particularly Northern Nigeria, has

one of the highest rates of child marriage in the world. The CRA, operative in the Abuja Federal Capital Territory and 26 out of 36 states in the country, bans the marriage of girls under 18. However, most states have yet to implement this law in state legislation on child rights, while 11 of the 12 Northern states have no laws against child marriage.⁴¹ Furthermore, the state and federal governments only have legal control over civil law marriages, leaving girls forced to marry

under customary or Islamic law unprotected. In some regions, child marriage is especially prevalent. For example, in Northwest Nigeria, 48% of girls are married by age 15. Often, these girls receive no further education and are subject to sexual relations and even abuse at a very young age.⁴² Economically disadvantaged families will often marry off their young girls in exchange for compensation, which is a form of CSEC.⁴³

Child Marriage in Nigeria: A Step Back?

In July 2013, the Senate of Nigeria resolved to alter Section 29(a) of the Nigerian Constitution which prohibits girls under 18 from marrying. The Senate agreed to leave out the age restriction and also stated that a woman is considered an “adult” once she is married, regardless of her actual age. This alteration was in response to a claim that the original section ran contrary to Islamic law, which governs the northern half of Nigeria. The resolution was met with considerable national and international dissent.⁴⁴ According to WOCON (the ECPAT group in Nigeria), at the time of writing this report, it remains to be seen whether the change will be implemented.

Orphans and vulnerable children (OVC)

In Nigeria, there are 17.5 million OVC, including 7.3 million orphans. Approximately 2.4 million of these children are orphans due to HIV/AIDS, although practitioners believe this may be a low estimation.⁴⁵ Nigeria is home to the second highest number of people in the world living with HIV/AIDS, numbering at 3.3 million in 2009.⁴⁶ Many of these OVC are left to fend for themselves on the streets, subjecting themselves to potential sexual exploitation. Through the leadership of the Ministry of Women Affairs and Social Development (MWASD), the government has attempted to mitigate the problem with a National Action Plan for OVC, a National Steering Committee on OVC, and other initiatives. Both government and NGO OVC programmes suffer from a lack of funding and coordination and the OVC phenomenon remains a large problem affecting CSEC in the country.

Child labour

Currently, around 36% of Nigerian children work full-time and do not attend school, while 28% combine work and school.⁴⁷ According to UNESCO, Nigeria has the highest number of children in the world who are not in the classroom, with one out of every five Nigerian children out of school.⁴⁸ Many children work as domestic servants in urban areas and are particularly vulnerable to sexual abuse from their employers. Other boys and girls work on the street, often hawking goods or begging.⁴⁹ This work increases children’s susceptibility to trafficking and sexual exploitation. Many children are trafficked to engage in these forms of labour in other African countries and children from elsewhere on the continent are trafficked into Nigeria for this purpose.⁵⁰ Child labour laws in Nigeria are often inconsistent, with discrepancies between definitions and age requirements in the *Child Rights Act* and the *Labour Act*. Furthermore,

cultural acceptance of child labour, coupled with the traditional act of “fostering” (where children are sent to live with richer relatives or acquaintances and often end up

as their domestic servants), contributes to the prevalence of this phenomenon and the continued susceptibility of children to sexual exploitation.⁵¹

NATIONAL PLAN OF ACTION

Each state should develop and implement specific policies and National Plans of Action to protect children from all forms of CSEC, including establishing a comprehensive framework for intervention in the following five areas: coordination and cooperation, prevention, protection, recovery and reintegration, and child participation.

The Committee on the Rights of the Child’s Concluding Observations from 2010 highlighted an **NPA on CRC/CRA (Child Rights Act) 2009-2015** established in 2008. The NPA has the following main objectives: “Put children first as a state policy, Fight poverty by investing in children, Care for every Nigerian child, Educate every child, Protect children from harm and exploitation, Protect children from war and conflict, Listen to children and ensure their participation in decision making processes and Ensure a safe environment for children.”⁵² The Committee recognised steps taken by the State Party to implement and provide resources for the NPA but was concerned that “a results-oriented, gender-sensitive and evidence-based cost plan for the operationalisation” of the NPA remains a challenge.⁵³

It has also been reported that Nigeria had a **National Child Policy** in 2007 and a **National Child Policy NPA 2007/2008**. It was created by the Federal Ministry of Women Affairs and Social Development and it defines the age of a child as anyone under 18 and was supposed to translate principles of the CRA into practical measures. In addition, according to Nigeria Vision 2020 Program’s “Report of the Vision 2020 National Technical Working Group on

Human Development,” July 2009, Nigeria has a current “**child trafficking and sexual exploitation eradication programme**.”⁵⁴

The Government of Nigeria, with support from ILO-IPEC, finished drafting a **National Policy and NPA on the worst forms of child labour** in late 2011. In 2012, consultations on the drafts were held in each of Nigeria’s six geo-political zones. Subsequently, the National Steering Committee on Child Labour adopted the policy and plan. The plan was then presented to the Federal Executive Council (FEC), which officially adopted the draft policy in September 2013.⁵⁵ The Policy is expected to provide a coordinated and comprehensive framework for multi-sectoral action against the worst forms of child labour in Nigeria.⁵⁶ It identifies and assigns roles to participating government law enforcement and agencies, trade unions, community organisations, and other groups.⁵⁷

Nigeria also has a **National Policy on the Protection and Assistance to Victims of Human Trafficking** (NPPAVHT), established by NAPTIP in 2008. This NPA has an accompanying **Strategic Implementation Framework** (SIF), introduced in 2011. The focus of the National Policy is to provide guidelines for how the government and other stakeholders should care for trafficking victims once they are rescued. The goal of the National Policy is “to ensure that victims of TIPs and exploitative/hazardous child labour are empowered to become functional members of society.”⁵⁸ Several focus points, such as

health, identifying victims, sheltering, and counselling are identified, along with the objectives and implementation strategies for these areas. The Policy also designates duties for different stakeholders, including the government, local communities, the private sector, and CSOs. More detailed implementation strategies are outlined in the accompanying Strategic Implementation Framework. The Framework outlines opportunities and challenges faced by NAPTIP as well as goals and objectives related to these issues. For example, NAPTIP was expected to have set up sufficient reception shelters for returning trafficking victims by the end of 2013.⁵⁹ The National Policy stresses the importance of monitoring and evaluation by encouraging data collection “to facilitate the implementation of the provisions of this policy.”⁶⁰ Also, the Policy is expected to be reviewed every five years, meaning that it was up for review in 2013.⁶¹

The NPPAVHT mentions child trafficking and acknowledges that it is a serious issue in Nigeria but does not include directed methods to deal with this specific issue. Section 2.12 addresses the issue by acknowledging that OVC are more susceptible to trafficking and sexual exploitation.⁶² However, child-specific strategies for providing shelter and counselling are not discussed at length. Also, children are not mentioned as important stakeholders to be consulted in the Policy’s formation and review.

Additionally, Nigeria had a **National Plan of Action for Orphans and Vulnerable Children (OVC)** 2006–2010. This NPA focused primarily on HIV/AIDS prevention measures and how to care for HIV/AIDS orphans since the disease is one of the root causes of Nigeria’s large OVC population. It acknowledged that OVC are at a higher risk of experiencing economic and sexual exploitation.⁶³ Although this NPA dealt with an issue that is often the cause of CSEC, it

did not outline strategies for dealing with CSEC at length.

The **National Guidelines and Standards of Practice on Orphans and Vulnerable Children** (2007) provide minimum standards in quality of services and activities related to all areas of care and support for OVCs. Included in the definition of a vulnerable child are “child sex workers,” trafficked children, and children who get married before the age of 18, among others. The priority target groups for child protection include victims of child trafficking and children suffering from sexual abuse.⁶⁴

There is also the **Monitoring and Evaluation Plan for Orphans and Vulnerable Children (OVC) Response in Nigeria** (2009), which has multiple objectives including guiding systematic data collection, analysis, reporting, use and feedback at federal, state and local levels as well as providing the platform for collaboration to enhance sharing of information among stakeholders.⁶⁵

In collaboration with the United States Agency for International Development, UNICEF supported the Federal Ministry of Women Affairs and Social Development and the National Planning Commission in developing a multi-sectoral **National Priority Agenda for Vulnerable Children 2013–2020**. Ongoing support is provided at state levels to develop operational plans aligned to the National Priority Agenda.⁶⁶ Efforts will be made through this NPA to reduce the number of children living in poverty to 15% and to significantly improve the quality of life and wellbeing of vulnerable children.⁶⁷ According to UNICEF, the NPA aims to ensure that all social sector actions identify and address the needs of the most vulnerable children and their families: “In doing so, it moves from a response that is direct service-delivery focused, to a comprehensive response which aims to build and strengthen integrated and linked systems.”⁶⁸

Nigeria Child Online Protection Initiative

The Nigeria Child Online Protection (NCOP) initiative, led by the Technical Working Group (TWG), has produced guidelines for different stakeholders, such as policymakers and law enforcement, to promote the protection of children from abusive materials on the Internet. At this stage, these guidelines are a series of recommendations rather than a cohesive NPA that will be put into force. Still, the production of these recommendations indicates that Nigeria is on track to devote more attention to the protection of children from sexual exploitation online.⁶⁹

COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

At an international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure that a concerted and coordinated approach is taken in eliminating CSEC.

Local and national level

In recent years, Nigeria has made a concerted effort to coordinate actions regarding CSEC between the various government agencies as well as with CSOs. However, although efforts are being made, it is unclear whether an actual impact is being felt on the ground. In December 2010, the Ministry of Labour and Productivity (MOLP) introduced the **National Steering Committee for the Elimination of the Worst Forms of Child Labour** in Nigeria. Members of the committee include NAPTIP and the Ministry for Women and Social Development, in addition to relevant NGOs and international organisations. However, the Committee did not actually meet in 2011 and its impact has been difficult to assess so far.⁷⁰

NAPTIP has collaborated with other government agencies, international

organisations, and local NGOs to combat child trafficking. For example, in 2007, NAPTIP collaborated with Radio Nigeria and UNICEF to launch a three-month radio campaign against child trafficking and the economic exploitation of children linked to low birth registration. The programme was broadcast to more than 60 million listeners of Radio Nigeria during more than 20 hours of prime network airtime.⁷¹

NAPTIP, the Ministry of Women Affairs and other relevant government agencies suffer from a lack of funding despite the pressing problem CSEC presents in the country. The Committee on the Rights of the Child noted that budgets allocated to these agencies were insufficient and hampered even further by government corruption.⁷² Also affecting government agencies' effectiveness is the lack of a mechanism to ensure that child

rights issues are considered by all relevant agencies and that policies and programmes are well-coordinated between national, state, and local levels.⁷³

A troubling hindrance to the promotion and protection of children's rights in the country is that Nigeria does not have a permanent child rights agency. Currently, the Department of Child Development in the Ministry of Women Affairs and Social Development (MWASD) is the main body responsible for the area of child rights. The African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) asserted in its report on Nigeria that the Ministry is overburdened with responsibilities. Women are the primary beneficiaries of direct budgetary allocation of this Ministry, while children and social development are seen as attachments, rather than a primary focus.⁷⁴ In addition, Nigeria lacks a department or agency that focuses primarily on CSEC issues. Rather, responsibility for these problems is divided between NAPTIP (for trafficking) and MWASD (for all child rights issues). There is no concerted government effort to end child prostitution.

Nigeria has made some progress in tackling child pornography with the development of the Nigerian Child Online Protection (NCOP) initiative, led by the NCOP Technical Working Group (TWG). NCOP was established partly as a result of the *Nigerian Communications Act*, 2003. The initiative's mandate is to protect children and young people from being exposed to Child Abuse Materials (CAM) on the Internet.⁷⁵ NCOP has partnerships with several government agencies as well as private sector stakeholders.⁷⁶ The First Lady Patience Jonathan was appointed to "champion" the COP initiative in Nigeria, and the TWG has plans to host the 1st National Summit on the NCOP Initiative with key stakeholders.⁷⁷ NCOP has published guidelines for different key groups on its website, including Policymakers and Law Enforcement Personnel.⁷⁸ However, no

data exists to determine the sort of impact NCOP has had on the ground. In addition, since NCOP does not focus exclusively on preventing child pornography, but rather on the broader mandate of protecting children online, a more targeted effort towards solving this problem is still needed. Nevertheless, the government is headed in the right direction by acknowledging that Internet use is becoming commonplace, thus opening up another avenue for CSEC in the country.

Much of the progress made in cooperation and collaboration has been a result of the work of the various NGOs in Nigeria. In fact, the Committee on the Rights of the Child noted in its 2010 report on child rights in Nigeria that the government relied too much on NGOs to provide fundamental protections to Nigerian children and should take more responsibility.⁷⁹ Problems related to saddling NGOs with too many responsibilities include a lack of adequate funding and coordination between the many different organisations.

The Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), in partnership with UNICEF, has attempted to improve coordination by founding the Network of Civil Society Organisations against Child Trafficking, Abuse and Labour (NACTAL). NACTAL is a civil society forum to share best practices and develop a common and coordinated approach for reducing the rate of trafficking in persons, child labour and abuse in Nigeria. Membership of NACTAL is drawn from over 40 civil society organisations concerned with child protection issues from all over Nigeria.⁸⁰ The Network met most recently at the NACTAL Congress in November 2012. The Congress focused on improving member capacity to create awareness at the grassroots level and deliver quality support services to trafficking victims, with the support of the United Nations Office on Drugs and Crime (UNODC) and NAPTIP.⁸¹

A coalition of NGOs in Edo State was also formed, with the support of the UNODC, to combat the trafficking of minors and young

women in the area. The coalition consists of six NGOs and is known as “The Edo State NGO Coalition against Trafficking in Persons” (ENCATIP). The aim of ENCATIP is to increase local awareness on trafficking in minors and young women, as well as promote the rehabilitation and reintegration of victims through micro-financing funded by the UNODC.⁸² From 2008–2009, 111 women victims of trafficking were given microcredit totalling 72,000 USD to start their own businesses. The beneficiaries were also treated to a three-day “Life Skills and Financial Management” workshop. As for child victims, 21 beneficiaries received education grants, totalling 12,354 USD.⁸³

NGOs have also sought to collaborate with government agencies on issues concerning CSEC. For example, WOTCLEF was instrumental in the enactment of the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act* in 2003 and the subsequent establishment of NAPTIP. The NGO presented a private bill to the National Assembly in 2001, which was later passed as the *TIP Act* and signed into law. WOTCLEF has also partnered with the National Youth Service Corps (NYSC) to engage youth corps members as peer educators on the dangers of trafficking, child labour, and the spread of HIV/AIDS.⁸⁴

The Women’s Consortium of Nigeria (WOCON) lobbied the state Government to assist the Shaki Community in promoting honey production, to prevent child trafficking by establishing a new source of income. The programme was successful and has since been replicated in other communities in Ebonyi and Ogun States.⁸⁵ WOCON also partnered with ILO/IPEC, supported by the US Department of Labor (USDOL), to work with three local governments of Ogun State towards the elimination of the worst forms of child labour. This was done by NAPTIP from 2012–2014 through the placement of children, withdrawn from child labour, in schools and through the promotion of vocational skills acquisition as well as

economic empowerment of their parents, including parents of rescued trafficked children.⁸⁶

Data collection

A **Special Rapporteur on Child Rights** works within the Nigerian Human Rights Commission (NHRC) to monitor and collect data on violations of children’s rights in the country. In its 2010 Concluding Observations, the Committee on the Rights of the Child expressed its concern regarding the adequacy of the human and financial resources available to the Special Rapporteur. It was noted that the State Party’s report lacked information on the independence of and activities undertaken by the Special Rapporteur.⁸⁷

NAPTIP is making a notable effort to collect data concerning trafficking in the country, with its National Monitoring Centre⁸⁸ and yearly detailed reports. For these reports, NAPTIP records the number of victims rescued, the sex and age of the victims, the purpose for their trafficking, the number of convictions obtained, and several other important statistics. This data is presented in the form of written analysis, tables, and graphs.⁸⁹ The reports represent a considerable effort on NAPTIP’s part to record its progress and make this data available to the public.

Despite this progress, the reports do not contain information specifically related to children trafficked for sexual purposes. The Committee on the Rights of the Child also mentioned in its report that data collection on the sexual exploitation of children is very low.⁹⁰ The country has not produced any formal reports on this phenomenon. Data on forms of CSEC besides trafficking is not officially collected by any government agency. As a result, reliable information concerning the prevalence of sexual exploitation of children in tourism, child prostitution, and child pornography/child sexual abuse materials is very difficult to find.

ANPPCAN also confirmed in its report on child rights in Nigeria that the country lacks comprehensive and up-to-date statistical data and is in need of a national collection system regarding child rights issues.⁹¹ The lack of data collection in this area may be partly related to the taboo nature of these topics in Nigerian culture, an issue which affects most of the African region.⁹²

Nigeria has ratified all the major international instruments dealing with child rights and CSEC. The country has also ratified a number of ILO Conventions and has signed Memoranda of Understanding, migration policies and bilateral cooperation agreements with countries within and outside the African region.

Regional and international level

Nigeria was one of the first countries in sub-Saharan Africa to ratify and domesticate the Palermo Protocol. The Protocol was ratified in 2001 and was domesticated by the *Trafficking in Persons (Prohibition) Law Enforcement Act, 2003*; the *Protocol to Prevent, Suppress, and Punish Trafficking in Persons especially Women and Children (ratification and enforcement) Act, 2003*; and the *UN Convention against Trans-National Organized Crime (Ratification and Enforcement) Act, 2003*.

Regionally, Nigeria has ratified the *African Charter on the Rights and Welfare of the Child* (ACRWC), to which it is required to submit reports regarding its progress advancing child rights.⁹³ Nigeria is also a member of the Economic Community of West African States (ECOWAS), which operates a Peer Review on the Situation of Children as well as a Gender, Youth and Child Division. The Division promotes youth participation by hosting Youth Forums for young West Africans to interact with each other and discuss common issues affecting children's rights in the area. The Peer Review programme allows member states to review each others' policies and programmes on children's issues, with the aim of creating mutual accountability between members.⁹⁴ In December of 2012, ECOWAS Ministers acknowledged the need to eliminate the worst forms of child labour, including child prostitution and child sex trafficking and

urged member states to focus their efforts on this goal.⁹⁵

Although Nigeria has ratified all relevant child rights instruments, implementation of these regulations has not been as successful. The lack of domestication and effective implementation of some of these laws, policies and agreements have rendered them ineffective and reduced their impact on incidents of CSEC. For example, the CRA was drafted after Nigeria ratified the CRC, as a domestication of its requirements. However, 10 out of 36 states have yet to sign on to the CRA, meaning that the legislation is not yet enforceable in these states.⁹⁶

Nigeria has also collaborated with other governments on issues concerning CSEC. The government of Italy is actively collaborating with NAPTIP through its Anti-Mafia Bureau to combat human trafficking across Nigerian borders. The Italian government has also provided technical support, including the donation of equipment to NAPTIP's National Monitoring Centre.⁹⁷ Nigeria has also signed bilateral agreements with several countries, including Benin, Italy, the Netherlands, France, and the United Kingdom. These agreements facilitated the rescue of many child victims and have led to the eradication of several international criminal trafficking networks.⁹⁸

PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who attempt to engage in sexual activities with children, while also addressing the risk factor for CSEC such as poverty and lack of education.

Long term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality, as well as improving access to education, health and social services. Effective short to medium term strategies

include awareness-raising campaigns as well as education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness-raising activities.

Furthermore, information, education and outreach programmes should be directed at those engaging in the commercial sexual exploitation of children to promote changes in social norms and behaviour and reduce the demand for victims of CSEC.

Awareness raising

Most public awareness campaigns in Nigeria have focused on human trafficking and child prostitution, and little has been done to raise public awareness about child pornography and the sexual exploitation of children in tourism. Additionally, the Committee on the Rights of the Child reported that Nigeria's awareness-raising efforts on child rights are primarily ad hoc, suggesting a need for more permanent and, perhaps, more effective campaigns.⁹⁹

NAPTIP, with the support of UN agencies such as the UNODC and civil society organisations, has been the primary leader behind campaigns concerning child trafficking. The Public Enlightenment Unit within NAPTIP is responsible for raising awareness on the problem of trafficking through campaigns, seminars and workshops.¹⁰⁰

“I Am Priceless” Campaign

In 2011, NAPTIP launched a nationwide campaign with the support of the European Union (EU) and UNODC entitled “I Am Priceless.” The campaign seeks to increase awareness of trafficking in Nigeria as well as to influence law and policymakers. Among its proposed activities, the campaign aims to conduct a baseline assessment on awareness levels of trafficking in project states, door to door grassroots campaigns, and advocacy visits to schools. The project has a life cycle of four years, to be completed in 2015.¹⁰¹ While the campaign is targeted at human trafficking in general, the planned school visits suggest that organisers will focus on raising awareness on child trafficking in particular.

ILO-IPEC collaborated with the state-run News Agency of Nigeria to rally the media to mount enlightenment campaigns on combating child labour and trafficking. One of the results of this collaboration was the three-month radio campaign hosted by Radio Nigeria in collaboration with NAPTIP and UNICEF.¹⁰² Television programmes have also been used to spread awareness in Nigeria. The UN Population Fund and the Canadian International Development Agency produced the drama serial “I Need to Know,” which addressed child rights, abuse and welfare issues.¹⁰³

ENCATIP, with the support of UNODC, raised awareness in Edo State from 2009-2010. with regard to the trafficking of girls and young women to Italy. The enlightenment campaign consisted of radio programmes and awareness-raising campaigns in 27 schools, reaching 2700 schoolgirls, among other activities.¹⁰⁴

WOCON has conducted awareness-raising activities concerning the trafficking of children, such as the Programme for Withdrawal and Reintegration of Children in Domestic Service and Prostitution. In partnership with the ILO-IPEC National Programme, this campaign aims to raise awareness of CSEC issues among rural communities, which are often the most common source of trafficked children.¹⁰⁵

Despite these efforts, public awareness of child trafficking remains relatively low. According to WOCON, many children are still coerced into trafficking by family members.¹⁰⁶ The organisation further asserts that child protection is not prioritised due to the low level of societal perception of children.¹⁰⁷ This may explain the lack of child-specific awareness campaigns on issues of trafficking and prostitution. Additionally, one study reported that the majority of women respondents (62%) were not aware of trafficking of women and children in Nigeria as a growing problem.¹⁰⁸ The same study also found that 22.3% of respondents would

ignore the sight of a child being trafficked; 58.5% would choose to discuss the problem with parents or close relatives instead of the relevant authorities (highlighting the lack of reliance on these authorities); and 70.8% said that in Nigeria children are expected to help parents financially, indicating that they view child labour as acceptable.¹⁰⁹ Some children support their families by hawking in the street, others become hired family help to those who can afford them.¹¹⁰

Despite occurrences both within and outside the country, there is no information to indicate that Nigeria has undertaken steps to raise awareness on the sexual exploitation of children in tourism. The Child Online Protection (COP) initiative has announced plans to host its 1st National Summit, which will, hopefully, bring the issue of the online sexual exploitation of children to the public’s attention.¹¹¹ No other awareness campaigns have been noted and a date for the Summit has not been set. Although campaigns have been conducted in schools, CSEC issues have not been introduced into school curricula.

Following the creation of the national ICT policy of Nigeria in 2012, which reiterates the need for incorporating ICT needs within school curricula to build a more knowledge-based economy, many projects and organisations have focused on education and awareness-building in schools. The “Connect to Learn” programme initiative by Ericsson,¹¹² in collaboration with Earth Institute at Columbia University, illustrates the inroads made in schools by the ICT sector to provide cloud computing services and access to global information through mobile and broadband services.¹¹³ While these efforts are being put in place and children in Nigeria are beginning to get more access and exposure to the Internet, it is very important that necessary safeguards are established to make them aware of the online risks and to train them about possible ways to mitigate such risks with suitably designed intervention programmes and resources.

The NGO Paradigm Initiative Nigeria collaborates with government agencies, other NGOs and corporations to implement information and communication technology projects throughout Nigeria. The Internet Safety, Security and Privacy Initiative (ISSPIN) conducts workshops in schools annually to teach safe online behaviour to

children and young people.

Similarly, Youth Crime Watch of Nigeria also engages in a range of preventive and awareness-raising programmes for youth, targeting schools, in order to foster safe online behaviour.

Training and education

Since the development of the Training and Manpower Development Department in NAPTIP, the training process for key professional groups in the area of human trafficking has become far more streamlined and consistent. The Department was created in December 2011, eight years after the creation of NAPTIP. Prior to its creation, the UNODC had supported a Training Needs Assessment conducted within NAPTIP in November 2010. The assessment determined that more than 60% of key actors in TIP had not received any training on trafficking issues.¹¹⁴ With donor support primarily from the EU, the UNODC partnered with NAPTIP, the Nigeria Immigration Service, the International Organization of Migration, WOTCLEF, and other state and non-state actors to begin to rectify this problem. Part of the project's aims was to develop the capacity of counselling and rehabilitation officers (within NAPTIP, WOTCLEF, NACTAL, etc.) and enhance the capacity of the National Monitoring Centre to gather data.¹¹⁵

Also, in the most recent Congress held by NACTAL, the UNODC held a two-day training workshop for all network members entitled "Promoting Better Management of Migration in Nigeria," in partnership with NAPTIP.¹¹⁶ Clearly, NAPTIP is placing a high priority on training its own officials as well as members of relevant NGOs to aid in the prevention of trafficking. The UNODC additionally provided expert services, training, and information material to assist CSOs to sustain local campaigns, with its "Capacity

building for NAPTIP's Implementation of Action Plan against Human Trafficking" project.¹¹⁷

These training improvements by NAPTIP are promising as the Committee on the Rights of the Child previously expressed concern that the government relied too heavily on CSOs in providing social services to children.¹¹⁸ Despite these efforts, it is unclear whether these professional groups will be trained specifically in dealing with children's issues.

The government has also made attempts to popularise the rights outlined in the CRC and the CRA. For example, it produced and circulated a CRC Guide for law enforcement officers. Furthermore, judicial staff, law enforcement officers, NGOs, ministerial staff as well as State Child Rights Implementation Committees are continually trained on the CRA and the state's relevant child rights laws. The government has also reported that it has developed training manuals to build the capacity of law enforcement officers, investigators and child caregivers.¹¹⁹

Although some advances have been made in training key professional groups in the area of TIP, the government has not announced plans to train individuals on the sexual exploitation of children in tourism. COP has developed policies on training law enforcement in the area of child online safety but has yet to implement these measures in any quantifiable way.

Private sector involvement

The Technical Working Group

The Technical Working Group (TWG), the group behind the creation of the Child Online Protection initiative, is comprised of both public and private sector stakeholders. The three private stakeholders involved in the creation of the TWG and, consequently, the COP initiative are the Nigerian Bar Association (NBA), the Global Network for Cyber-solutions Ltd., and Riplington & Associates law firm.¹²⁰

Most cybercafes in Nigeria also aid in preventing the exposure of youth to online child abuse materials by prohibiting the viewing of pornography in their establishments.¹²¹

Vulnerability reduction

Effective birth registration is essential to reduce the vulnerability of children to sexual exploitation. The CRA guarantees the “right to a name” under Section 5 and states that the birth of every child shall be registered in accordance with the provisions of the *Birth, Death (Compulsory Registration) Act, 1992*. Nigeria has made some considerable strides to improve its birth registration system, but birth registration remains exceptionally low.

Rural areas have the lowest birth registration rate at 21.2%, while the rate stands at 50.3% in urban areas.¹²² Such low birth registration contributes to the large number of commercially sexually exploited children in Nigeria. If a child does not have a legally identified name and age, it is difficult for authorities to track the child and easier for traffickers and sex offenders to hide the child or claim that the child is over 18 years of age. The repatriation process is also affected, since tracing the family and origin country can be very difficult.¹²³ Under the CRC and CRA, birth registration is considered a fundamental right, one which many Nigerian children are being denied.

The government introduced the *Birth, Death (Compulsory Registration) Act No. 69* in 1992 to implement federal birth registration regulations. The Act provides for free birth registration up until 60 days after birth. The CRC has recommended that the government abolish this provision and allow all birth registrations, at any time, to be free.¹²⁴ In the past, this fee provision has been shown to deter families from registering their children.

In 2007, a national campaign to raise public awareness on the importance of birth registration was launched. It brought together over 500 participants, including representatives from government, parliament, civil society, faith-based organisations, traditional rulers, community-based organisations, professional associations, UN agencies and the media.¹²⁵ This three-month campaign on child trafficking and birth registration was aired on the national network by the Federal Radio Corporation of Nigeria.¹²⁶

Innovation: Rapid SMS System

The National Population Commission, with the support of UNICEF, introduced a mobile phone-based platform titled “Rapid SMS” in January 2011. The system is operational in all 36 states and is designed to notify federal and state managers of birth registration disparities in local centres. This facilitates faster and more effective investigations of local government authorities in communities with lower birth registration rates.¹²⁷ Access to data is made simple via www.rapidsmsnigeria.org/br, where anyone can see the number of children registered by month and state

To reduce vulnerability among girls in Edo State, the UNODC has collaborated with ENCATIP to provide life skills training for 800 girls in eight Edo communities. The topics facilitated include refusal skills, assertiveness, values and value clarification, self-esteem, decision-making, and goal-setting. These skills are invaluable in reducing girls’ vulnerability to traffickers and sexual predators.¹²⁸

However, to truly reduce vulnerability, Nigeria’s poverty issue must be addressed. Poverty is a key contributor to the high prevalence of CSEC in Nigeria. Many parents and guardians will force children into

trafficking and prostitution due to poverty and lack of opportunities at home. Many times, even the children themselves feel compelled to leave home, despite knowing the risks, as they feel they have nothing to lose. However, these children are rarely aware of what kind of work awaits them at their destination.¹²⁹ The Nigerian government has taken steps in collaboration with the UN, NGOs and other stakeholders to improve the poverty situation, but the fact remains that 70% of Nigerians live below the poverty line.¹³⁰ As a result, CSEC will likely continue to affect the poorest and most vulnerable of the population.

Research on CSEC

NAPTIP has a Research and Development Programme Department, which regularly produces reports and conducts field work to collect and analyse data on human trafficking in Nigeria.¹³¹ It is unclear whether the Department has done any specific research or reports on child trafficking. NAPTIP releases annual reports that present and analyse the incidents of trafficking in the country. However, the data collected addresses sex trafficking in general, not the trafficking of children for sexual purposes specifically.

NAPTIP also has a National Monitoring Centre (NMC), developed in partnership with UNODC and with support from the Italian government. The NMC has established a central database, which stores information on victims and traffickers, allowing NAPTIP researchers

and investigators easier access to this information.¹³² In 2011, UNODC donated ICT equipment worth over 5 million Naira (31,200 USD) to aid the NMC in its research and communication operations with the different NAPTIP regional offices.¹³³ Although this project could aid CSEC research, it is unclear whether it will be used for this purpose.

In its 2010 report, the Committee on the Rights of the Child commented that data collection on the sexual exploitation of children is very low in Nigeria.¹³⁴ No formal government reports have been found on this phenomenon in the country. While COP has announced plans to collect information on child online protection, such data is yet to be released.¹³⁵

PROTECTION

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing

child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and witnesses are also essential.

International and Regional Children's Rights Legal Standards

International Instruments	
Human Rights bodies related to Child Rights	Comments
Charter-based bodies	
Working Group on the Universal Periodic Review – Human Rights Council	<p>Last review 4th session (2009) – Conclusions related to CSEC:</p> <ul style="list-style-type: none"> - Ensure existing legislation at federal, state and local levels fully complies with the Convention on the Rights of the Child; - Intensify efforts, through legislation and practical measures, to protect children against all forms of violence, including trafficking; - Vigorously apply the law to end the practice concerning the stigmatisation of children as “witches” or “wizards”; - Strengthen efforts aimed at elimination of existing harmful traditional practices and adopt all necessary measures to provide full protection of children from wrongdoings, inspired by these traditions; - Consider strengthening efforts in the area of combating trafficking of women and children by cooperating closely with countries in the region, as well as relevant international organisations. <p>Report submitted: 30 July 2013 Date of consideration: 22 October 2013</p>
Special Rapporteur on the sale of children, child prostitution and child pornography	No visit yet
Special Rapporteur on trafficking in persons, especially women and children	Visit requested in 2005

Treaty-based bodies

Committee on Rights of the Child	<p>2010 – main conclusions on the implementation of articles 34 and 35 of the CRC (2010):</p> <p>Art 34:</p> <ul style="list-style-type: none"> (a) Conduct media campaigns, continuous dialogue and advocacy to raise awareness on victim identification indicators and reporting mechanisms; (b) Tackle the root causes and improve the situation of children at risk; (c) Strengthen training programmes addressing law enforcement officers and public awareness campaigns targeting, in particular, parents; (d) Invite both the Special Rapporteur on Trafficking in Persons, especially in Women and Children and the Special Rapporteur on the sale of children, child prostitution and child pornography to visit the State Party; (e) Reinforce prevention of trafficking of children abroad, including in the framework of the European Development Fund agreement 2009-2013; (f) Take all measures to ensure investigation, prosecution and conviction of perpetrators of child trafficking in accordance with national legislation; (g) Establish a referral mechanism between the asylum system and the victims of trafficking protection system; <p>Art 35:</p> <ul style="list-style-type: none"> a) Develop appropriate policies and strategies to effectively address sexual exploitation of children; b) Develop an awareness-raising campaign on schools free from sexual violence and abuse; (c) Undertake extensive trainings and other forms of sensitisation programmes for law enforcement agencies on sexual exploitation and abuse of children and consider the appointment of staff/unit with specialised expertise on this topic; (d) Develop and implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims.
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Children's rights Instruments	Date of Ratification	Date of submitted reports
Convention on the Rights of the Child – 1989	19 Apr 1991	5 Jan 2009
Optional Protocol on sale of children, child prostitution, and child pornography – 2000	27 Sep 2010	--
ILO Convention on Worst Forms of Child Labour – 1999 (No. 182)	2 Oct 2002	
UN Convention against Transnational Organized Crime - 2000	28 Jun 2001	
UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing UN Convention Against Transnational Organized Crime)	28 Jun 2001	
Regional Instruments		
African Charter on the Rights and Welfare of the Child	23 July 2001	
African Charter on Human and Peoples' Rights	22 June 1983	1 Aug 2011

Legislation

Nigeria is governed by three legal systems: English common law, Islamic law and customary law. Officially, English common law applies to Southern Nigeria via the *Criminal Code*. The *Penal Code* outlines the Islamic laws that govern Northern Nigeria. Traditional law is used in customary law courts. The use of English common law in the South stems from Nigeria's former position as a British colony. The *Penal Code* was established in the North as an attempt by the British to incorporate Muslim values, interests and standards into the law. Since independence, both pieces of legislation have been amended extensively to adequately reflect Nigerian, rather than British, values and interests. The country is also governed by the Constitution of the Federal Republic of Nigeria, established in 1999.¹³⁶

In relation to laws pertaining to CSEC, Nigeria has the *Child Rights Act* and the *TIP*

Act. According to Nigeria's 2013 report to the UPR, the Federal Justice Sector Reform Coordinating Committee has developed the **Child Rights Act (Enforcement Procedure) Rules**. The *Child Rights Act* has yet to be ratified by all Nigerian states, meaning that it is largely ineffective, particularly in the states that have not recognised it as law. Nigeria's Assembly is considering a *Trafficking in Persons (Prohibition) Enforcement and Administration Bill, 2013*,¹³⁷ which would repeal the *TIP Act* of 2003 and its amendment of 2005. The Bill was approved by the Federal Executive Council in January 2013 and was transmitted to the National Assembly for deliberation and passage into law.¹³⁸ The Bill has since undergone its second reading and has been referred to the House Committee on Human Rights and Justice for further legislative work.¹³⁹ If enacted, the Bill seeks to provide a strengthened legal and institutional

framework for the prohibition, prevention, prosecution and punishment of human trafficking offences in Nigeria.¹⁴⁰ It has more expansive sections on the prohibition of child sex trafficking, which covers, among others, the procurement, recruitment, inducement or use of any person under the age of eighteen for the purpose of prostitution, pornography or other forms of sexual exploitation.¹⁴¹ Upon conviction, such offences also carry broader penalties under the current Bill, which imposes a mandatory minimum term of imprisonment of seven years (or more depending on the final version) in combination with a fixed minimum fine.¹⁴² The Bill will also pave the way for enhanced counter-trafficking strategies as it provides for greater cooperation between state security agencies, law enforcement, international authorities and other relevant partners under the auspices of NAPTIP.¹⁴³

Further complicating this mix of legal systems and legislation, states have the authority to establish courts separate from

the federal court system, which can lead to contradictory implementation and application of the law.¹⁴⁴ The Nigerian Constitution declares that “[t]he State shall direct its policy towards ensuring that children, [and] young persons...are protected against any exploitation whatsoever” in Section 17(3)(f).¹⁴⁵ However, the tripartite legal system, in addition to states’ lack of adherence to federal laws concerning children, has resulted in ineffective protection of children from sexual exploitation. Furthermore, the Criminal Code and the Penal Code, unlike the Child Rights Act, do not fully comply with international standards. For example, under the Codes, an adult is defined as 17 years and over,¹⁴⁶ in contradiction to the definition of an adult as being 18 and over in the Child Rights Act, the CRC and the African Charter on the Rights and Welfare of the Child (ACRWC).¹⁴⁷ The size and diversity of Nigeria’s population makes harmonising its legislation quite difficult, but it is necessary to ensure the protection of children from sexual exploitation.

PROSTITUTION OF CHILDREN

Article 2(b) of the CRC’s *Optional Protocol on the sale of children, child prostitution and child pornography* (OPSC) defines child prostitution as “the use of a child in sexual activities for remuneration or any other form of consideration.” This definition covers all acts of offering, obtaining, procuring or providing a child for child prostitution.

Not all of Nigeria’s national law is in compliance with international standards on child prostitution. In the *Criminal Code*, offences related to child prostitution reference different ages, including girls under the age of 16¹⁴⁸ and those under the age of 18,¹⁴⁹ despite the fact that under Nigeria’s criminal law, an adult is considered to be anyone 17 years of age or older. Lesser penalties are also given out for procuring a girl from the ages of 13-16 for prostitution.¹⁵⁰ This lack of cohesion regarding the age of a child leads to confusion when implementing

legislation and is not in accordance with the CRC and ACRWC, which identify a child as anyone under the age of 18. Furthermore, the provisions in the *Criminal Code* relating to child prostitution only refer to the prostitution of girls, and the offenders are referred to as men. An example of this gender bias is the fact that prostitution in the *Criminal Code* is defined as “the offering by a female of her body commonly for acts of lewdness for payment although there is no act or offer of an act or ordinary sexual connection.”¹⁵¹ This definition only refers to girls and women and does not include boys and men. The laws would be more effective if they encompassed the fact that both genders can be victims and perpetrators. Additionally, child prostitution as defined in the OPSC places the blame on the person prostituting the child. This definition is not outlined explicitly in the *Criminal Code*.

The *Penal Code* provides stiff penalties of 10 years imprisonment, including a fine for offences related to enticement, deceit and inducement of children (below 14 years for males and below 16 years for females) into prostitution without the consent of the guardian.¹⁵² This provision is inconsistent with international law on two levels. First, prostitution should be prohibited for all minors under 18 years of age, regardless of gender. Second, the consent of a guardian should not make child prostitution any less of a crime.

The *Child Rights Act*, on the other hand, is more in line with international standards outlined in the CRC and the OPSC concerning child prostitution. The CRA prohibits the buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or prostitution and, more specifically, states that a child shall not be procured or offered for prostitution.¹⁵³ Although child prostitution is not explicitly defined in the CRA, which prevents it from conforming completely to

international standards, provisions related to this offence are gender neutral, unlike in the *Criminal* and *Penal Codes*. However, as previously mentioned, because not all Nigerian states have agreed to domesticate the CRA, it does not apply in these non-compliant states. The CRA is federal legislation and it takes precedence over all other legislation concerning the rights of the child, but some states continue to refuse to accept this fact.¹⁵⁴

The *TIP Act* refers to child prostitution specifically in Section 14(2). In accordance with the CRC, the OPSC and the ACRWC, a child is defined as being under 18 years of age. However, the punishment for the offence of prostitution of a child is more lenient than the offence related to prostitution of any person, under Section 15. The punishment for Section 14(2) is 10 years imprisonment, and for Section 15 the punishment is 14 years without the option of a fine.¹⁵⁵ Child prostitution should be treated with even more seriousness than adult prostitution.

TIP Bill 2013

In the pending *TIP Bill 2013*, punishments are changed, with the abuse, procurement or recruitment of any person under 18 years of age for prostitution or other forms of sexual exploitation having a harsher penalty than the procurement of any person for the purpose of sexual exploitation.¹⁵⁶

No provision in the *Criminal Code* indicates that children will not be tried as offenders for prostitution nor are there any outlined measures for caring for victims of CSEC. Even more troubling, some of the states that apply Sharia law actually treat children as offenders rather than victims for prostitution offences. For example, the *Sharia Penal Code* of Zamfara State defines an offender as anyone who “does any obscene or indecent act in a private or public place or acts or conducts himself/herself in an indecent manner.”¹⁵⁷ This runs counter to internationally accepted

standards of treatment for CSEC victims.

The CRA, being a piece of legislation specifically for the children of Nigeria, outlines protection provisions in more detail than the *TIP Act*, in Parts IV and V. Section 44 of Part IV, in particular, discusses child victim protection and instructs the relevant authorities to take at-risk children into protective custody. Section 50(1) outlines when a child may be brought before a court, and 50(1)(k) explicitly refers to child prostitution as a reason for the child being

brought forward.

The CRA outlines child-sensitive legal procedures in Part V, laying out Court Procedure for children in need of protection. Part XX details Child Justice Administration, which ensures that children are only subject to the child justice system, among other provisions. Part V refers explicitly to children rescued from sexual exploitation, but Part XX does not.

Section 52 of the *TIP (Amendment) Act* outlines the legal procedures used specifically for trafficking victims, including the right to institute a civil action against a trafficker and the entitlement to compensation, restitution and recovery for economic, physical and psychological damages. However, child trafficking victims or victims who have suffered from sex trafficking, including prostitution, are not specified.¹⁵⁸ Section 65 of the pending *TIP Bill 2013* does not appear to provide provisions specifically regarding children in the legal process.

Very little data exists to determine the level of implementation of the laws governing child prostitution in Nigeria. However, since

not all states have signed on to the CRA, and those that have are not required to report their government's expenditures to the federal government, it can be inferred that the law's implementation has not been entirely successful. This is also reflected by the high number of trafficked children and children engaged in prostitution. Some analysts claim that data is scarce in this area because it is culturally inappropriate to discuss issues like sexual exploitation, especially concerning children.¹⁵⁹

News reports help shed light on the huge problem of child prostitution in Nigeria. Child prostitutes are seen all over the streets in urban centres, not just in brothels. Even office buildings are being used as makeshift brothels used by child prostitutes at night.¹⁶⁰ News reports indicate that NAPTIP has had some success in shutting down child prostitution operations in recent years. NAPTIP raided a Lagos hotel and rescued six girls between the ages of 11 and 16.¹⁶¹ Two women were also arrested in 2009 for forcing young girls into prostitution.¹⁶² Despite these successes, the fact remains that the largest group of prostitutes from Sub-Saharan Africa is from Nigeria.¹⁶³

TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES

Under Article 3(a) of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* (Trafficking Protocol), trafficking in persons is defined as the "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the

removal of organs."¹⁶⁴

Article 3(c) states that "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article."¹⁶⁵ Within this definition, a child is considered anyone under the age of 18 years.¹⁶⁶

The government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking, but it is making a significant effort to do so. In 2003, Nigeria became the first country in the region to adopt national legislation to deal specifically with human trafficking.¹⁶⁷ This legislation is

known as the *Trafficking in Persons (TIP) Act* (subsequently amended in 2005). The *TIP Act* is primarily focused on the prosecution of traffickers rather than the prevention of trafficking or protection of trafficking victims. Sections 11 to 19, 21 and 26 deal specifically

with the trafficking of children for sexual purposes. Children are referred to as persons below 18 years, in accordance with the CRC and ACRWC. Punishments for the offences seem somewhat lenient, with prison terms generally ranging from 10-14 years.¹⁶⁸

TIP Bill 2013

One of the biggest changes in the *TIP Bill 2013*, currently pending in the National Assembly, is the addition of Part 2(1), which states that all acts of human trafficking are prohibited in Nigeria. Part 2(2) states that any person who recruits, transports, transfers, harbours or receives another person by means of (a) the threat or use of force or other forms of coercion; (b) abduction, fraud, deception, abuse of power or of a position of vulnerability; or (c) the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation of that person, commits an offence.

In the *TIP (Amendment) Act*, 2005, Sections 50 and 51 outline victim identification and protection provisions. Section 50 outlines the protections for trafficking victims that NAPTIP is required to provide and Section 51 mandates that trafficking victims cannot be detained, imprisoned or prosecuted for offences resulting from their situation.¹⁶⁹ Although these provisions are wide in scope, they do not specifically mention child protection measures. The pending *TIP Bill 2013*, Section 61 on Treatment of Trafficked Persons also does not specifically address children.

The *Criminal Code* also has provisions specifically related to trafficking for sexual purposes, Sections 223-225. However, these sections only refer to the sexual trafficking of girls and not children in general. This does not reflect the reality that boys are also trafficked for sexual purposes. In fact, the ILO reported one case in which Nigerian boys were trafficked to Belgium for sexual purposes under the pretence that they would be playing football there.¹⁷⁰ Also, the punishment for procuring a girl with intent of trafficking for sexual purposes is only two years, and the offence is classified as a misdemeanour.¹⁷¹ This is a stark difference

to the harsher punishments offered in the *TIP Act*. Also, it is a defence for traffickers if they claim the belief that the girl was over 18,¹⁷² which presents a serious impediment to victims attaining justice.

Trafficking children for sexual purposes is also prohibited under Section 30(2)(b) of the *Child Rights Act*.

According to the US TIP Report, Nigeria's government did not adequately enforce its anti-trafficking laws in 2012.¹⁷³ In fact, the Department of State downgraded Nigeria's status from Tier 1 in 2011 to Tier 2 in 2012. In 2013, Nigeria remained in Tier 2. The number of cases prosecuted remained low compared to the large number of trafficking investigations. In addition, the sentencing of offenders was found to be inadequate. One third of offenders were allowed to pay fines instead of serve prison sentences. NAPTIP has proposed amending the TIP legislation so fines cannot be paid instead of prison, but the National Assembly has yet to adopt these changes. The low funding of NAPTIP helps to explain the low number of prosecutions; trafficking is not treated as a high priority in the country when it comes to budgetary allocation.¹⁷⁴

In 2012, NAPTIP reported 96 cases of external trafficking for sexual exploitation. Of these external cases, 74 were investigated. The agency reported 18 cases of internal trafficking for sexual exploitation in 2012 and investigated 14 of them.¹⁷⁵ However, only six convictions resulted from the external trafficking cases and one conviction from the internal cases. NAPTIP did not gather data specific to sex trafficking cases involving children.¹⁷⁶ According to the 2013 TIP Report, NAPTIP initiated 117 trafficking investigations, commenced 17 prosecutions, and achieved 25 convictions. NAPTIP also

received a slight increase in funding from the year before.¹⁷⁷

Outside of NAPTIP, government officials have not implemented systematic procedures for identifying victims in vulnerable groups. The government has yet to introduce formal procedures for repatriation and reintegration of Nigerian victims of trafficking. Government officials did ensure that victims were not penalised for the crimes they may have committed while being trafficked, in accordance with the TIP Act.¹⁷⁸

CHILD PORNOGRAPHY

CHILD SEXUAL ABUSE MATERIALS

The OPSC defines child pornography as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.” Article 3(1)(c) prohibits producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography.

Nigeria’s *Cybercrime Bill* of 2013 states that the term “child pornography” shall include pornographic material that visually depicts: (a) a minor engaged in sexually explicit conduct; (b) a person appearing to be a minor engaged in sexually explicit conduct; and (c) realistic images representing a minor engaged in sexually explicit conduct. This definition does not conform to the OPSC definition because it only applies to visual depictions and not “any representation, by whatever means....” See box on *Cybercrime Bill* for more information.

The offence of possessing and distributing child pornography is covered under Chapter 21A, “Obscene Publications,” of the *Criminal Code*. However, child pornography is not explicitly referred to, nor any general sexually obscene materials. The provisions are likely too vague to adequately protect Nigerian children. Also, the highest punishment for this crime is imprisonment for three years

or a fine not exceeding 400 Naira (2.50 USD), which for child pornography is very lenient.¹⁷⁹

Under the *TIP Act*, procurement, use or offering any person for production of pornography or for pornographic performance is prohibited under Sections 15(a) and 26(1)(e). However, in both sections, children are not referred to specifically, so the potential punishment is not distinguished based on the victim’s age. Also, Section 15 delivers a punishment of up to 14 years imprisonment, while Section 26 mandates a punishment of up to 10 years for “offence[s] by alien[s].” These punishments should be the same, regardless of an offender’s citizenship status.

The *Child Rights Act* is the only legislation to explicitly refer to and prohibit child pornography. Section 30(2)(e) explicitly prohibits children being procured or offered for the production of pornography or for any pornographic performance. The punishment for such an offence is up to ten years imprisonment, a far higher sentence than that offered by the Criminal Code. However, there is no mention of punishments for distribution or possession of child sexual abuse materials. Furthermore, given that some states have yet to sign on to the CRA, making this legislation essentially non-binding in Nigeria, it can be inferred that the country has no effective child pornography laws.

The Cybercrime Bill

Nigeria has shown improved commitment to the prohibition of child pornography with the introduction of the Cybersecurity Bill in 2011.¹⁸⁰ The Bill has gone through several drafts and its current version, Cybercrime Bill, 2013,¹⁸¹ was approved by the Federal Executive Council in August 2013. The 2013 Bill was, subsequently, transmitted to the National Assembly for enactment into law. Currently, the Bill has undergone its second reading and is on track to be passed into law in 2014.¹⁸² In the 2013 Bill, child pornography is explicitly prohibited under Section 14, although its definition is not fully in line with the international standard. The section mandates imprisonment of 10 years and/or a fine of at least 20,000,000 Naira (125,000 USD) for producing, offering, or distributing child pornography. For procuring or possessing child pornography, the punishment is imprisonment of at least 5 years and/or a fine of not less than 10,000,000 Naira (62,500 USD).¹⁸³

The Bill further broadens protection against child pornography and related offences by prohibiting the online grooming/solicitation of children: Section 14(2) mandates punishment of at least 10 years and/or fine of not less than 15,000,000 Naira (91,000 USD) for grooming or solicitation that leads to engaging in sexual activities with a child; in the case of grooming or solicitation for purposes such as recruiting, inducing or coercing a minor for pornographic intent, the offender is subject to imprisonment for a term not less than 5 years and/or fine of at least 10,000,000 Naira (62,500 USD).¹⁸⁴ This Bill also defines a child or minor as a person below 18 years of age, which is in accordance with the CRA and international legal standards. However, it does not outline child-sensitive legal procedures for child pornography offences, nor does it refer to protection procedures for affected children. The Bill would further be strengthened if child-related offences carried a mandatory prison sentence without option of a fine alone.

As previously mentioned, the government launched the Child Online Protection (COP) initiative, which is aimed, primarily, at educating Nigerian youth about the Internet, including the dangers of pornographic material.¹⁸⁵ The Nigerian Communications Commission (NCC), the National Information Technology Development Agency (NITDA) and the Office of the National Security Advisor (ONSA) are the key public sector stakeholders in the operation.¹⁸⁶ COP has proposed collaboration with law enforcement and policymakers to implement new laws to protect children in this area, although no data exists yet to confirm whether this has happened. The International Telecommunication Union (ITU) has also announced plans to set up a Cybersecurity Regional Centre in Nigeria, the first of its kind in the West African region.¹⁸⁷

As of yet, there has been no form of arrest or prosecution of distributors or possessors of child pornography in Nigeria.¹⁸⁸ While no records are available on child pornography-related arrests, according to a Nigerian online newspaper, four distributors were apprehended in Lagos in February 2013 for distributing pornographic materials. The charges were made for distributing obscene material and corruption of children.¹⁸⁹

Little data exists on the prevalence of child pornography in Nigeria, making the implementation of applicable laws hard to verify. Isolated cases of pornographic videos containing children circulating social media in Nigeria have been reported recently.¹⁹⁰ Also, as more Nigerian youth gain access to computers and the Internet, their exposure to pornography is on the rise.¹⁹¹ It is unclear whether this is leading to an increase in the production of child pornography.

While there is no specific legislation in Nigeria addressing the sexual exploitation of children in tourism, there are legal provisions that are relevant to the issue, including laws on extra-territorial jurisdiction, extradition and dual criminality.

Article 4.1 of the OPSC addresses “territorial jurisdiction” and provides that each State Party should take measures to establish jurisdiction over offences committed in its territory. Article 4 of the OPSC also addresses the importance of establishing jurisdiction over offences committed against children outside one’s own country.

Neither the *Criminal Code* nor the *Penal Code* has provisions specifically addressing the sexual exploitation of children in tourism. Article 12 of the *Criminal Code* applies extra-territorial legislation, under both federal and state law, referencing both acts committed in Nigeria as well as those committed outside of Nigeria when the offender enters Nigeria. In both cases, the offender is liable to punishment; however, as part of its dual criminality requirements, the act committed must be an offense in both Nigeria and the other country where the act took place.¹⁹²

The *TIP Act* refers to sexual exploitation in tourism in Section 30, which outlines the responsibilities of tour operators and travel agents to inform their clients of their obligations under the Act. It also states in Section 16 that any person who organises or promotes foreign travel that promotes prostitution of any person or encourages

such activity is liable upon conviction to imprisonment for 10 years without option of a fine. However, the Act does not contain any extra-territorial provisions targeted at offenders and does not specifically address children. The *Child Rights Act* also does not contain such provisions.

The *Extradition Act* outlines laws pertaining to the extradition of fugitives from countries with which Nigeria has an extradition treaty. Returnable offences are described as “punishable by imprisonment for two years or a greater penalty,” both in Nigeria and the partner country.¹⁹³

It is unclear, however, which legislation the government would apply in a case of sexual exploitation of children in tourism, which leaves open many loopholes for potential offenders. In addition, the requirement of dual criminality may pose a significant obstacle to the prosecution of travelling child sex offenders due to the discrepancy in legal protections for children worldwide.¹⁹⁴

Reports indicate that Nigerians are both victims of and participate in the sexual exploitation of children in tourism. In fact, UNICEF reports that Nigeria is more often a source country for these types of offenders rather than a destination country.¹⁹⁵ For example, in 2012, six Nigerian nationals were arrested for the sexual exploitation of children in tourism in the Philippines.¹⁹⁶ In this case, Nigerian authorities apprehended the six offenders and tried them at home.¹⁹⁷

Child protection units

According to Nigeria’s report to the UPR in 2013, there is an on-going programme known as the **Situation Analysis of Child Protection Issues** designed to obtain information for the analysis of child protection issues as well as for effective coordination of child protection

in Nigeria. The strategies adopted for the implementation of the programme include national meetings of State Directors of Child Development to gather information on reported cases of child abuse nationwide and the creation of a network/linkage with the 36 states of the Federation and the Federal

Capital Territory, Abuja. In addition, CSOs have formed a Child Protection Network to further protect children and are advocating for child-friendly desks to be established in all police stations.¹⁹⁸

Nigeria's Police Task Force on Human Trafficking has expanded into 12 units across the country. Eleven units are in 11 states of the federation considered endemic source or exit points: Ebonyi, Edo, Delta, Akwa Ibom, Cross River, Lagos, Oyo, Ogun and Borno. Abuja, as a head unit, makes up number 12 of the Police Anti-Human Trafficking Units nationwide. The Police Anti-Human Trafficking Units are charged with, among other things, collaboration with NAPTIP in the investigation and prosecution of cases of human trafficking and other related offences.¹⁹⁹ Nigeria's Anti-Human Trafficking Unit is headed by an Assistant Commissioner of Police and works in collaboration with, among others, UNICEF, NAPTIP, ILO, UNODC, Federal Ministry of Women Affairs, and Federal Ministry of Labour and Productivity.²⁰⁰

NAPTIP, MWASD and the Child Rights Implementation Committees designated by the CRA provide child protection services on behalf of the Nigerian government. However, reports indicate that these agencies are among the most marginalised in terms of funding, demonstrating that child protection is not a priority in the country.²⁰¹ This is in direct contradiction to Nigeria's huge youth population and the many problems affecting children's welfare. In many states, members of the Child Rights Implementation Committees lack the mobilisation and capacity necessary to effectively advocate and facilitate the content of the CRA. The National Committee also lacks the capacity to monitor and report on the implementation of the CRA.²⁰² Furthermore, NAPTIP does not have a specific department for child protection.

Child rights advocates have called for the Child Services Department of the MWASD to become its own agency or ministry so that

children's issues can be given the attention they require by the government.²⁰³ The Nigerian government is in serious need of protection units specifically aimed towards children, particularly those who have suffered sexual exploitation.

According to the Committee on the Rights of the Child's Concluding Observations in 2010, there was a bill pending before the **National Assembly to establish a National Child Protection and Enforcement Agency**. The current pending Bill²⁰⁴ (National Child Protection and Enforcement Agency Bill, 2012) states that the Agency shall, among other things, be responsible for the following: ensure child-sensitive social protection policies that address child poverty, vulnerability and risks; monitor and analyze patterns and trends of child rights violations; undertake studies, research and surveys on all matters relating to protection of children; assist government in formulation of appropriate policies; and compile data regularly on child rights violations. It provides for an Investigation Unit that will investigate complaints and petitions received with respect to violations of the provisions of the *Child Rights Act* as well as a Counselling and Rehabilitation Unit. It also states that the Agency shall have the power to act as a coordinating, regulatory and enforcement mechanism for governmental and non-governmental bodies involved in the prevention of child abuse and child exploitation as well as the protection and rehabilitation of victims of such abuse. The Bill defines a 'vulnerable child' as a "[c]hild who, because of circumstances of birth or immediate environment, is prone to abuse or deprivation of basic needs, care and protection, and thus disadvantaged relative to his or her peers."²⁰⁵ Although the list of non-exhaustive categories of children recognised as vulnerable includes "child sex workers" and "child victims of trafficking," the Bill does not specifically address whether the proposed National Child Protection and Enforcement Agency will prioritise CSEC issues as part of its social protection policies.

Support services for children

Strategies for the recovery and reintegration of victims of CSEC should contain immediate and long-term policies. Immediate support services could include medical and psychological care as well as provision of adequate shelter and legal assistance. Long-term assistance could include: reintegration into school, return to the family or community when possible, and concrete plans for social and economic rehabilitation and reintegration. For child victims who have been trafficked into Nigeria from other countries, it is important to have specific

procedures in place that are in the best interests of the child, such as access to care and repatriation.

Article 39 of the CRC requires states to take all appropriate measures to promote physical and psychological recovery and social reintegration of child victims of any form of neglect, abuse or exploitation. Article 9 of the OPSC further recognises the right of victims to assistance in achieving social reintegration and full physical and psychological recovery.

HOTLINES AND COUNSELLING SERVICES

Nigeria has set up a free helpline called “SOS Children” for child victims of sexual abuse.²⁰⁶ In addition, the NGO Human Development Initiatives operates a child helpline that was established in 2004. The number is accessible nationally but is not toll-free. The global NGO Child Helpline International (CHI) reports that this helpline reached 13,942 children in 2008. However, most of these contacts were made through other means of communication, such as outreach projects, rather than directly through the helpline. CHI recommends that Nigeria introduce a toll free, short 3-4 digit telephone number since, with the country’s current technological infrastructure, it would have the potential to receive 3 million calls annually.²⁰⁷ NAPTIP also runs a hotline for people to report information on trafficking incidents.²⁰⁸

NAPTIP offers counselling services through its Counselling and Rehabilitation Department. The department is headed by a social worker with over 30 years of experience and has a staff of over 100 with varying levels of experience in social work. The Department reports that from 2004-2012, over 6000 victims benefited from its services.²⁰⁹ From 2004-2007, 218 victims and 71 offenders received counselling from the department.²¹⁰ Counselling methods include psychosocial therapy, individual counselling, group counselling and career counselling.²¹¹ Several NGOs also offer counselling services to children who have suffered sexual exploitation, including Girls’ Power Initiative²¹² and Child’s Right and Rehabilitation Network.²¹³

EDUCATION AND OCCUPATIONAL ASSISTANCE

Education and occupational assistance is essential, particularly for girls returning from being trafficked for sexual purposes. In Nigeria, girls are often stigmatised for working as prostitutes because the common view is that they choose that way of life, even if they are forced into it. As a result, girls may find it difficult to reintegrate into society, reconnect with their families and find an

occupation.²¹⁴

NAPTIP’s Counselling and Rehabilitation Department encourages victims to return to school or acquire vocational training. Around 200 of the 6000 victims received by the Department either returned to school or acquired vocational training with the Department’s support. Vocational services

provided to trafficked persons include knitting, hairdressing, catering, hat making, and photography.²¹⁵ While this effort is commendable on NAPTIP's part, the small number of victims benefitting from this service, compared to the much larger number of victims received by the Department indicates that the Department may be unable to provide adequate services to all victims. An additional 453 victims were further

supported by NAPTIP to establish their own businesses through donations of equipment and resettlement allowances.²¹⁶

MWASD operates non-residential drop-in centres where at-risk children have access to social services.²¹⁷ These drop-in centres, with a more general mandate, may be able to assist children who have been sexually exploited but are not victims of trafficking.

LEGAL ASSISTANCE

The CRA makes provisions for the establishment of "Family Courts" for the purposes of hearing and determining matters relating to children and has provided for Child Justice Administration to replace the Juvenile Justice Administration. The provisions prohibit the subjection of any child to the criminal justice process.²¹⁸ CRA Section 158 also provides for court proceedings in the best interests of the child

and allows the child to express himself/herself and participate in the proceedings. State governments are supposed to set up Family Courts once they have enacted the CRA. According to different news sources in the country, the implementation of these courts has not been consistent.²¹⁹ Success stories have been recorded in states, such as Lagos and Ogun, where the family courts are fully operational.

REPATRIATION OF VICTIMS

Despite the growing number of Nigerian trafficking victims abroad, the government has yet to implement formal procedures for repatriation and reintegration of Nigerian victims.²²⁰ NAPTIP operates eight shelters with a total capacity for almost 300 victims at a time. NAPTIP opened an additional shelter in Lagos in 2011 to accommodate more victims.²²¹ Despite this effort, some shelter staff lack training or professional experience in treating trafficking victims and the government does not provide specialised training to inexperienced staff.²²² However, NAPTIP has been making a concerted effort despite these shortcomings. In an effort to obtain more compensation for victims, NAPTIP created the Victims of Trafficking Trust Fund in 2010, consisting of assets seized from traffickers. In 2011, victims received 21,500 USD from this fund.²²³ However, collecting assets for the fund has been difficult due to NAPTIP's lack of technical expertise in this area and the lengthy prosecution process of traffickers.²²⁴

NAPTIP also assists in reuniting child victims with their parents. From 2004-2007, the Agency reunited 249 victims with their families; 16 of these victims were handed over to their country's embassies for reunification with their families across the border.²²⁵

Although these shelters are for at-risk children, in general, and not specifically for victims of commercial sexual exploitation, MWASD also operates four shelters across the country. NGOs such as WOTCLEF and Child Rights and Rehabilitation Network (CRARN) operate a small number of shelters but are only able to care for a limited amount of children due to inadequate funding.

The **Strategic Implementation Framework for the National Policy on Protection and Assistance to Trafficked Persons in Nigeria**, (April 2011) details how to implement the **National Policy on Protection and Assistance to Trafficked Persons in Nigeria** (2008). It addresses victim protection and assistance, repatriation/reintegration and social inclusion, victim/witness protection and

humane treatment of victims. Regarding return/repatriation, it provides implementation strategies such as:

- (i) Ensuring appropriate handling of return/repatriation processes by relevant agencies;
- (ii) Strengthening referral mechanisms and networking with other countries;
- (iii) Embarking on social investigations of the home settings of victims to ensure effective return/repatriation;
- (iv) Developing Memoranda of Understanding with other countries, agencies, NGOs, among others;
- (v) Arranging the transfer of victims from shelters to receptive and nurturing home environments;
- (vi) Providing necessary psychosocial support.²²⁶

Despite efforts by NAPTIP, MWASD and various NGOs, many Nigerian victims of trafficking and prostitution have reported that upon returning to Nigeria, they have simply been told they are “free” and left to find support on their own.²²⁷ NAPTIP and several NGOs have maintained that many girls returning to Nigeria are afraid to seek help as they do not trust the authorities and fear that using government services will enable the traffickers to track them.²²⁸ Still, neither NAPTIP nor NGOs that provide rehabilitation services receive adequate funding to enable protection and repatriation of all incoming victims. According to the 2012 US TIP Report on Nigeria, “upon arrival in Nigeria, victims were referred to local NAPTIP shelters for care; most victims chose to return to their homes after a brief stay in shelters.”²²⁹

Training law enforcement personnel

Government officials lack systematic procedures for identifying trafficking victims among vulnerable populations. Additionally, law enforcement is not adequately trained to deal with victims, particularly child victims, when they are rescued.²³⁰ The National Police Force (NPF) is responsible for enforcing all laws prohibiting CSEC, particularly prostitution. However, the NPF is not trained on state laws and may not have the knowledge of laws protecting children from CSEC within a specific state.²³¹

In 2013, in order to redress the lack of knowledge of police officers on human trafficking, WOCON – in partnership with the International Movement Against All Forms of Discrimination and Racism (IMADR), a Japanese based NGO – conducted a two-day capacity training programme for police officers on gender-based violence, especially human trafficking.²³²

NAPTIP has made an effort to improve staff training as well. With assistance from UNICEF, the Agency produced a Training Manual for Caregivers and Investigators to strengthen the professional capacity of those engaged in the fight against trafficking. NAPTIP also produced the Guidelines for Protection of Children in Formal Care, also in partnership with UNICEF, which outlines the rights of children being cared for in formal institutions, such as NAPTIP rehabilitation shelters.²³³ NAPTIP officers working for the National Monitoring Centre have also been trained to use the NMC database to input and analyse data relating to victims and perpetrators of trafficking.²³⁴

Additionally, UNODC has partnered with NAPTIP on the “Capacity building for NAPTIP’s Implementation of Action Plan against Human Trafficking” project. The project has focused on the creation of a training programme in enforcement and judicial matters for NAPTIP staff and other relevant national agencies.²³⁵

CHILD AND YOUTH PARTICIPATION

Nigeria has a relatively low level of child and youth participation in the development of its legislation and national action plans. For example, in the *Child Rights Act* and the National Action Plans concerning child welfare, child participation is not listed as a goal or requirement, even though the CRC mandates states to guarantee rights of expression and participation to children under Article 12. The CRA only mentions child participation in regard to children going through court proceedings, stating that children must be allowed to participate and express themselves freely in this context.²³⁶

This lack of inclusion of child and youth participation in official legislation reflects the reality that child participation is generally not accepted or even discussed, particularly in rural areas.²³⁷ For example, a study conducted at a primary school in Ibadan, Nigeria determined that school teachers were unaware that child participation was a child right. Furthermore, the curriculum and teaching methods did not encourage children to develop the skills to exercise this right.²³⁸ Clearly, prevailing attitudes will need to change in order for the government and the public to prioritise child and youth participation initiatives.

UNICEF Nigeria has contributed to this aim by increasing child participation in the local media.²³⁹ For example, UNICEF Nigeria has helped facilitate numerous

television and radio programmes presented by children for the International Children's Day of Broadcasting (ICDB), which is widely observed by local broadcasting organisations. UNICEF Nigeria also trained street children from Lagos to produce and broadcast 13 episodes of a radio programme centring on their experiences. Members of the Children's Parliament, discussed below, also interviewed the President of Nigeria with UNICEF's support.²⁴⁰

The government made its most significant accomplishment in this area by creating the Children's Parliament in 2003. Children's Parliaments exist at both the national and state level, with 26 states inaugurating their own Children's Parliaments.²⁴¹ The MWASD consulted with the Children's Parliament in the writing of its 2008 CRC Report. According to the MWASD, the Children's Parliament represents "the voices, minds and aspirations of the Nigerian children," and "deliberate[s] and draft[s] child evolving bills and present[s] to the National Assembly for adoption," among other duties.²⁴² The Children's Parliament consists of 74 members, with two representatives from each state.²⁴³ Despite this improvement in child participation initiatives, ANPPCAN asserts that it is largely "tokenistic" and does not have any tangible impact. Furthermore, most of the parliamentarians are children of elites and do not accurately represent the Nigerian population.²⁴⁴

PRIORITY ACTIONS REQUIRED



National Plans and Policies

- ✎ The government should develop and implement an up-to-date National Plan of Action for Children, which includes a comprehensive and detailed component on all manifestations of CSEC, particularly child sexual abuse materials and child prostitution. An NPA for Children should be sufficiently resourced, with clear coordination and monitoring to ensure effectiveness and impact.
- ✎ In accordance with the Rio Declaration and Call for Action, child participation should be emphasised and facilitated through the new national plan, and children should be involved in contributing to the design of the plan.
- ✎ The National Policy on the Protection and Assistance to Victims of Human Trafficking should also be amended to include provisions pertaining specifically to the protection of child victims of trafficking for sexual purposes.

Coordination and Cooperation

- ✎ Nigeria should create an agency or ministry separate from the Ministry of Women Affairs and Social Development that deals exclusively with children's issues. The Government should also create a body in charge of coordinating the anti-CSEC activities carried out by state agencies, NGOs and the private sector at the national and international levels, in order to reduce reliance on NGOs to provide social services and improve coordination between these different groups.
- ✎ To comply with the Rio Declaration and Call for Action, Nigeria should work to strengthen systems for data collection in relation to all forms of CSEC, particularly child prostitution and child pornography. NAPTIP should include data specifically referring to child sex trafficking in its annual reports.
- ✎ To improve all of these efforts, the Government should direct more support to the relevant agencies dealing with CSEC, currently suffering from a lack of programme funding.

Prevention

- The government should develop more effective strategies to tackle the high poverty rate. Reducing poverty is crucial in the fight against CSEC in Nigeria.
- The Nigerian population, particularly those living in rural areas, should be made aware of the dangers of trafficking and the promises that traffickers will make to lure children away from their families and into the sex trade.
- The link between certain traditional practices (such as the stigmatisation of child witches and child marriage) and the prevalence of CSEC should be addressed by the government; strategies should be developed to educate the public on the dangers of these practices.
- The government should continue its efforts to increase the rate of birth registration and reduce the number of OVC in order to decrease children's vulnerability to sexual exploitation and trafficking.
- Strategies should be developed to change attitudes about child sexual exploitation and reduce demand for sexual services from children.

Protection

- The *Child Rights Act* should be ratified by all states to ensure that it is fully enforceable throughout Nigeria. In relation to this, the *Criminal Code and Penal Code* should be harmonised with the *Child Rights Act* to ensure that all children under the age of 18 are protected from CSEC. Other discrepancies in the Codes should also be addressed and amended.
- The Cybercrime Bill should be approved by the National Assembly to become enforceable law prohibiting child pornography.
- Extra-territorial laws referring explicitly to sexual exploitation of children in tourism should be developed and implemented immediately.
- It is necessary for comprehensive trainings of the police forces and immigration officials to take place so that the existing laws addressing CSEC are effectively enforced.
- Services for victims should be adequate and available in all required areas. Research should be conducted on the adequacy of the shelters and other services currently available to victims of CSEC.
- The government should put in place effective systems to ensure that victims of CSEC are able to reintegrate into society without suffering stigmatisation and lack of employment and educational opportunities.

- The Nigerian government should place more emphasis on child and youth participation in the development of action plans and in the approval of new laws.
- Officials should be trained to use child contributions in a meaningful way.
- Current programmes emphasising child participation, such as the Children's Parliament, should be improved to include children from all sectors of Nigerian society.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

- images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
 - (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
 - (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
 - (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
 - (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
 - (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
 - (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
 - (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
 - (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.
- Sexual exploitation of children and adolescents in prostitution*
- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.

- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and

new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and

in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

ENDNOTES

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